

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

473E0078

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB 119** - 02/06/2001

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Brosz and Albers and Representatives Konold, Abdallah,
Broderick, Fryslic, and Hanson (Gary)

1 FOR AN ACT ENTITLED, An Act to require certain vehicle loads to be covered.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That chapter 32-15 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Any driver of a vehicle with a model year of 2000 or newer transporting sand, gravel,
6 aggregate, dirt, rock, or similar material shall ensure that the cargo compartment of the vehicle
7 is securely covered to prevent its contents from escaping if:

8 (1) The vertical distance from the top of an exterior wall of the cargo compartment to the
9 load, when measured downward along the inside surface of the wall, is less than six
10 inches;

11 (2) The size of the sand, gravel, aggregate, dirt, rock, or similar material is nominally less
12 than four inches in diameter; and

13 (3) The speed of the vehicle is greater than forty miles per hour.

14 The requirement to cover the cargo compartment does not apply to any vehicle operated

1 within a closed construction zone or to any vehicle designed to drop material for the purpose of
2 securing traction on any ice or snow packed surface.

3 A violation of this section is a Class 2 misdemeanor.

4 Section 2. Section 1 of this Act is effective on January 1, 2002, and is repealed on July 1,
5 2002.

6 Section 3. That chapter 32-15 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 Any driver of a vehicle with a model year of 1995 or newer transporting sand, gravel,
9 aggregate, dirt, rock, or similar material shall ensure that the cargo compartment of the vehicle
10 is securely covered to prevent its contents from escaping if:

- 11 (1) The vertical distance from the top of an exterior wall of the cargo compartment to the
12 load, when measured downward along the inside surface of the wall, is less than six
13 inches;
- 14 (2) The size of the sand, gravel, aggregate, dirt, rock, or similar material is nominally less
15 than four inches in diameter; and
- 16 (3) The speed of the vehicle is greater than forty miles per hour.

17 The requirement to cover the cargo compartment does not apply to any vehicle operated
18 within a closed construction zone or to any vehicle designed to drop material for the purpose of
19 securing traction on any ice or snow packed surface.

20 A violation of this section is a Class 2 misdemeanor.

21 Section 4. Section 3 of this Act is effective on July 1, 2002, and is repealed on January 1,
22 2003.

23 Section 5. That chapter 32-15 be amended by adding thereto a NEW SECTION to read as
24 follows:

1 Any driver of a vehicle transporting sand, gravel, aggregate, dirt, rock, or similar material
2 shall ensure that the cargo compartment of the vehicle is securely covered to prevent its contents
3 from escaping if:

4 (1) The vertical distance from the top of an exterior wall of the cargo compartment to the
5 load, when measured downward along the inside surface of the wall, is less than six
6 inches;

7 (2) The size of the sand, gravel, aggregate, dirt, rock, or similar material is nominally less
8 than four inches in diameter; and

9 (3) The speed of the vehicle is greater than forty miles per hour.

10 The requirement to cover the cargo compartment does not apply to any vehicle operated
11 within a closed construction zone or to any vehicle designed to drop material for the purpose of
12 securing traction on any ice or snow packed surface.

13 A violation of this section is a Class 2 misdemeanor.

14 Section 6. Section 5 of this Act is effective on January 1, 2003.